
MINUTES of EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

H. Inland Commerce, House of

OF THE

CAVAN ELECTION.

MINUTES & EVIDENCE



SELECT COMMITTEE

1832

CAVANA ELECTION

CASE

Council for the County of Cavan.
Council for the County of Cavan.

County of Cavan.

The Committee was chosen on the 26th of February, and consisted of the following Gentlemen;

Right Honourable James Cuffe, Chairman.
Sir Thomas Fetherston, Baronet.
Edward Tighe, Esquire.
Henry Hatten, Esquire.
Sir Edward Crofton, Baronet.
John Tydd, Esquire.
Lord Jocelyn.
James Alexander, Esquire.
Robert Leigh, Esquire.
Honourable Edward Ward.

THE CASE OF THE

Sir Michael Cromie, Baronet.

James Bernard, Esquire.

Patrick Walsh, Esquire.

Richard Penefather, Esquire.

John Warburton, Esquire.

Petitioner.—The Honourable J. James Maxwell.

Sitting Member.—Charles Stewart, Esquire.

Counsel for the Petitioner.—Mr. Duquerry.

Counsel for the Sitting Member.—Mr. Sheridan
and Mr. Fleming.

The objections relied on, were bribery, entertainment, a bad registry, and partiality in the sheriff and deputy.—The numbers on the poll

Sheriff not served with notice to defend himself, but deputy was

were:

For Mr. Montgomery, 1173.

—Mr. Stewart, 1045.

—Mr. Maxwell, 929.

It was ordered by the Committee, That the petitioner should proceed first on the point of bribery in the sitting member, and as soon as he had closed his evidence, on that point, that the sitting member should proceed to rebut that evidence before any new matter was entered into.

James

COUNTY OF CAVAN.

James M'Minn was produced,—he knows Mr. Stewart, the sitting member; the witness was at the last election for Cavan, and polled there for Mr. Montgomery, and Mr. Stewart, says he knew Pat. Smyth of Bailiboro'—says Smyth applied to his wife the Friday before the election began, to know if he would give his vote to Mr. Stewart.—Mr. Smyth was endeavouring to procure votes for Mr. Stewart, at the election. The witness's landlord was Mr. Clements—He was applied to by his landlord's agent, and he then promised Mr. Maxwell his vote. Mr. Smyth took his witness into an entry in Cootehill, and asked him had he not a vote. The witness told him he had. Smyth then asked him whom he would give it to? The witness said he did not know, for he was under some trouble. He asked him what ailed him? The witness said he was proccessed, and was not able to pay the debt; he was proccessed by Mr. Stewart of Cootehill, that very day, about an hour before Mr. Smyth spoke to him, for £2. 2s. 9d.h. and he told Mr. Smyth so, Mr. Smyth desired him stay, till he (Smyth) should go and speak to Mr. Stewart about it: he did not mention which Mr. Stewart, it might be the clergyman.

After some time, a messenger came to the witness, and brought him to Brennan's, a public house.

THE CASE OF THE

house; the messenger was servant to Mr. Mayne, when he met him, he damned him why he did not stay where he was left, and not have people losing their time looking for him. When he came to Brennan's, he led the witness through the house to the stairs, where he met the two Mr. Stewarts, the candidate and the clergyman. Mr. Stewart (the clergyman) shook hands with him, and asked him how he was, Mr. M'Minn. Mr. Stewart the clergyman, then took him aside, about two yards, and said, "Why tell me, Jemmy, can you, or dost you vote against your landlord for a small reward?" To the best of his opinion, Mr. Stewart, the candidate, heard him, but could not say he did, but he might. The witness replied, "I don't know but I might." Mr. Stewart then said, "Here is my hand, if you vote for Mr. Stewart, I'll reward you highly, and be your friend for ever." The witness asked him what reward will you give me? He said, "I won't tell you what reward I will give you, but it shall be a big one, more than you think."

The witness asked him, will you give me up the note you have procured me on, in the first place? Oh! said he, "I can't give you it, till after you vote, for fear of the bribery oath, but after that you shall get it, and a great deal more;

COUNTY OF CAVAN.

more; and Mr. Stewart will be a particular friend to you, I'll warrant you." Well said the witness, after some pause, "I will." Mr. Stewart, the candidate, stood by, as he thought, giving good attention to what passed between the doctor and he.

Mr. Stewart, the clergyman, after he had promised, beckoned with his finger to the candidate, and said, "he will, come here," upon which the candidate came up to the witness, and whispered him, and said, "Here's my hand to you, every thing Mr. Stewart has promised you shall be performed, and I'll be your friend." The witness said, "very well,"—upon which Mr. Stewart pulled out his pocket-book, as if going to write the witness's name. Witness desired him not to put down his name. Mr. Stewart then said, "Why is it not in your breast and mine, and no person shall know what is in my pocket-book; the reason of it is, to have my lawyers apprized of it, to prevent an examination,"—he then wrote the witness's name, gave him a cockade, and then they parted. That evening the witness again saw Mr. Stewart, the clergyman, in his own house, he went for the purpose of getting up the original process to prevent him from decreeing him at that assizes, and then he could vote for whom he

THE CASE OF THE

he pleased, and could pay the money before the next assizes, if he had been able to pay the money, he would not for double the sum have voted against his landlord; he did not give him the process, but desired him to come in on Monday, and he would give it him. The witness came to him on Monday, and he said, if I give you the process, "I can't prosecute you, and then you may serve whom you please." The witness said, "Would you sue a poor man after so hard a time, if I should not vote for Mr. Stewart?" Mr. Stewart replied, "As sure as God is in heaven, if you don't vote for Mr. Stewart, I will prosecute you, and lay you in gaol, if I can." Witness said, "if I should vote for Mr. Stewart, have you it not in your power to prosecute me, as I have nothing but your word,"—to which he replied, "Go down to Mr. Giles's, and I will follow you in a few minutes." At Giles's Mr. Stewart took the original process out of his pocket, and said, "Mr. Giles, here is the original process with which I served this man, take it you, and as soon as you see him vote for Mr. Stewart, tear it; but if he does not vote for Mr. Stewart, return it to me." Mr. Giles was a very great friend to Mr. Stewart, the candidate, and was active for him. Mr. Giles took the process, upon which the witness grumbled,

COUNTY OF CAVAN

grumbled and said: "When you won't trust me before I poll, it is very hard I should trust you." Mr. Giles said, "Jemmy, don't be afraid, for by God, if you poll for Mr. Stewart, I'll pay the money out of my own pocket, before you shall be hurted." Sure said the witness, "This is no bribery I want, and if I don't serve Mr. Stewart, you can come at me next assizes, and all I want is time till then." Mr. Giles said a second time, "Don't be afraid, for if Mr. Stewart does not keep his word, I will pay the money, and put him out of his parish; and this assurance satisfied the witness, and he went away.

Robert Clements of Rahenny applied to the witness for his vote for Mr. Stewart, (Mr. Clements was first cousin to Mr. Stewart) and the witness told him he would vote for Mr. Stewart, but could not vote till Mr. Giles was by, and told him the reason was, that Mr. Giles must be witness to his polling, otherwise he could not get up his release; upon which Mr. Clements told him he would give him a certificate, which would be as good as if all Cootehill were present; upon which the witness went and voted for Mr. Stewart, and Mr. Montgomery: Mr. Clements then wrote the certificate and gave it to the witness. He

THE CASE OF THE

carried the certificate to Cootchill, to the Rev. Mr. Stewart, and he read it, and shook hands with the witness, and said, "He was an honest fellow, and he would be for ever his friend, and only it was Sunday night, he would give him a pot of porter." The witness then asked for the papers he had against him, the note and process.—He said you need not mind them this night, as it is Sunday, but come in the morning, it is all over. The witness came to Mr. Stewart in the morning, and he brought out a paper, and asked him for the copy, which he tore and gave the witness the original, which he produced to the committee; after he got the process, he asked for his notes, and Mr. Stewart said, "That is enough for you till after the election is over, you could not now be hurt." The witness insisted upon getting the note. Why, said he, "Are you in such a hurry, you know I can't be at the loss of this money, I must first get the money from Mr. Stewart, the candidate." The witness then got into a passion, and said, "I suppose then, if you don't get the money, you won't stick to your promise,"—the witness upon that, told him he would go to Lord Farnham and tell him, and went out in the street and told it to every body he met; and Mr. Stewart

COUNTY OF CAVANT

Stewart then denied he had made him any such promise,—if the promise had not been made to the witness to give up the note and process, he would have voted for Mr. Maxwell, and would have done so, if he had been able to pay the note,

He was cross examined by Mr. Sheridan.

There was no oath administered to him, nor any objection made to him on the part of Mr. Maxwell, he was brought in on Mr. Stewart, and Mr. Montgomery's list, and it was obvious he came up with intention of voting that way. He was a linen-weaver, and rented between five and six acres, and pays 5l. 15s. 0d. fees and all. Shortly after the election, he paid a whole year's rent to his landlord in one payment, he could not positively say how long, but believes it was not a month—believes it was about a fortnight; since all that he had got from the Rev. Mr. Stewart was the process; Mr. Stewart held the note still, and the witness got no money—he had before got indulgence from Mr. Stewart for this and more debts—he was part of the time since the election, at Lord Farnham's, at Farnham, and part of the time at Maxwell Close, Esquire's, at Elmpark, and part about Keady; Lord Farn-

had sent him to Mr. Close's—Lord Farnham always met him with a pleasant countenance—he carried a letter from Lord Farnham to Mr. Close—he was only a day or two at Lord Farnham's—he was about thirteen or fourteen weeks at Mr. Close's—he could not tell the reason he was sent to Mr. Close's, but Lord Farnham gave him a reason for it, he told him he might receive damage about Cootchill, on account of what he had done,—Lord Farnham lent the witness six guineas, and took his bond, with which he paid his rent, he had not since paid Lord Farnham—he did not believe the bond would be given up to him, until he paid the money,—Lord Farnham told him he would make him pay it, he believed Captain Elliott was present when he said so, but was not positive,—he saw Lord Farnham before he voted, he saw him in his lordship's own house, and Lord Farnham knew he had a vote,—Lord Farnham did not ask him to vote for his son, he bid him vote for Mr. Stewart—the reason he went to Lord Farnham was, he went to the election, and he saw the bribery oath administering, which frightened him; he then went to Lord Farnham and told him all the transaction with Mr. Stewart, and that he could not take the bribery oath. Lord Farnham desired him to go and
vote

vote for Mr. Stewart, and take up his son's colours, and his lawyers would ask him no questions, and would not put the bribery oath to him; and afterwards to go home to Cootehill to get up his papers, and then come back to his lordship; he paid his rent to Captain Henry Clements, he had a conversation with Mr. Clements relative to this transaction, but could not swear he told him all that passed between Lord Farnham and him, he was addicted always to tell lies about this transaction, as he was not upon his oath—he recollected he did not offer the Rev. Mr. Stewart a paper to sign. Humphry Wilson in Cootehill prepared the writing, but no person desired him to go to Wilson,—he never was directed by Lord Farnham to get a lease, but believes he might have told an hundred that Lord Farnham desired him to get one prepared, and signed by the Rev. Mr. Stewart; Lord Farnham desired him to keep a clear conscience, and take care of his soul. Lord Farnham never desired him to get the original process and bring it to him, but he told many he had,—the reason he told lies about this transaction was, he was obliged to tell different stories in different companies as it suited them,—he had made all Cootehill his enemies by divulging the transaction to Lord Farnham,—he had informed

Lord

THE CASE OF THE

Lord Farnham of the transaction before he got into the passion with Mr. Stewart,—he would have taken 20 from Mr. Stewart, if he had given it to him, after he had divulged the matter to Lord Farnham. If he had got up his note from Mr. Stewart, he never intended to see Lord Farnham's face again. Lord Farnham when he lent him the money, desired him to come back to him, but never till then.—he brought the original process to Lord Farnham when he got it—no one desired him to get the certificate from Mr. Clements of his having voted.—when he gave Mr. Stewart the certificate, Mr. Stewart laid it down on the table, and went for the process; the witness then took it up, and put it in his pocket, and brought it and the process to Lord Farnham.—Lord Farnham said to him, "That's cleverly done, I'll keep them till the petition." He got them on the then present day from Mr. Betagh, (petitioner's agent)—he does not know Mr. Richard Bradburn,—he remembered being at the summer assizes, he was processsed on the Friday before the election, there was a process out against him, he was not decreed, he believed the man who processsed him was paid, but was not certain,—he believed he was stopped from being decreed by Lord Farnham's interest,—he told different stories to some, that he had got 50 guineas,

COUNTY OF CAVAN.

neers, others 150 guineas, but it was all lies,—his apprehension of danger was not for voting for Mr. Stewart, but turning traitor to him, and divulging the matter to Lord Farnham,—he positively believed Mr. Stewart, the clergyman, was employed by Mr. Stewart, the candidate, to procure votes for him; Mr. Stewart, the clergyman, was sometimes a good-natured easy man in his manners, sometimes not, he was very positive if he had not voted for Mr. Stewart, Mr. Stewart the clergyman would not have indulged him; Mr. Stewart the candidate gave him no money, but said, any thing Mr. Stewart, the candidate would do, he would abide by,—Lord Farnham took the copy of the process from him, and said he would settle it for him, and afterwards in the evening, told him the affair was settled,—he was not able to pay Lord Farnham the 6 guineas and the process money, he believes Lord Farnham will take his case into consideration, and not take his (the witness's) loss of time for nothing; he could not form a belief whether he should be obliged to pay the money or not, he could not take upon him to say what Lord Farnham's design was, in telling him he would be obliged to pay the money, he believed Lord Farnham's future treatment would be in consequence of his behaviour before the committee. Lord Farnham never

never lent the witness any money before the election, the witness never received any money out of Lord Farnham's own hand, but what he got on his bond; he received money at Mr. Close's and at Keady for his subsistence, which was Lord Farnham's money. He knew Richard Bartley, he saw him after the election, he did not recollect having any conversation with Bartley relative to getting money from Lord Farnham, and did not recollect that he touched him on the breast where there was money,—recollects his sleeping with Bartley, but did not recollect his asking where he got the money in his breast; Bartley was a man he did not wish to have conversation with, as Bartley was a babbling fellow. He did not tell Bartley, that he (the witness) had got as much money from Lord Farnham as would buy him a coat, nor that he got money from Mr. Maxwell, but if he did, they were lies, as he never told any thing but lies about that affair till he came here.

He could not form a belief whether Lord Farnham would consider him (the witness) for his loss of time and leaving the country, nor whether he deserved to be considered or not.—He believed Mr. Stewart the clergyman was working his own interest, nor Mr. Stewart the candidate, in getting the interest of the Mr. Maynes, Lord

Lord Ballamont, Mr. Stewart the candidate, and several other gentlemen; he has heard some people call Mr. Stewart the clergyman, a very great rogue, and some a very honest man: the witness at the time of the treaty, believed him an honest man.—Mr. Giles bore a character like another man, a middling good one, he did not believe Mr. Giles, when he told him he would pay him. Since the election he applied to Mr. Giles, and he told him it was done away: he reminded Giles of his promise, and he desired him not to be uneasy. He did not apply to Mr. Stewart, the candidate, when he went to Lord Farnham he had no intention of voting at all: he did not believe at the time Lord Farnham told him to prepare for the payment of the money speedily, that he intended to make him pay it soon.

James Biggers was produced by the petitioner.

He was a free-holder of the county of Cavan, and tenant to Lord Farnham,—he knows Mr. John Faris, the witness voted at the last election, he voted for Mr. Maxwell and Mr. Stewart, he was applied to by Mr. Maxwell, and Capt. Elliot for his vote for Mr. Maxwell, and by Mr. Stewart, and Mr. Faris for Mr. Stewart. Mr.

Faris and Mr. Stewart came together; Mr. Faris spoke first, and told him he came to let him know when the election would begin. Mr. Stewart took him aside, and told him he would make him no promise with respect to the request he had made (the request was to get his son into some business in the revenue) it was at the time Mr. Stewart and Mr. Faris came, he made the request. The witness told Mr. Stewart it was not in his power to do any thing for him, if he did not get his request. Mr. Faris was not in hearing, when he made this request. Mr. Stewart said, the request witness had made, Mr. Faris should make good. The witness could not say whether Mr. Faris was active for Mr. Stewart, further than what he told him. The witness shortly after this conversation, told the request he had made of Mr. Stewart to Mr. Faris, but not on the same day, it was at Cavan as he believed, at the time of the election he made the request of Mr. Stewart, and he promised to vote for Mr. Stewart, provided he got his request; and at Cavan he mentioned to Mr. Faris what passed between Mr. Stewart and him. Mr. Faris told him there was no fear. He (Mr. Faris) was the man would make it good to him. He told
Mr.

COUNTY OF CAVAN.

Mr. Faris the office he wanted for his son, was, either a tide-waiter, or some other employment in the revenue. The witness did not intend originally to have voted for Mr. Stewart, and would not have given the vote to him, if he had not made him the promise, but would have voted for Mr. Maxwell alone; he knew Mr. Ellis, a tenant of Lord Farnham's, and a free-holder, he went with a message from Ellis to Faris. Ellis met the witness in the street, and brought him into a backside where Mr. Faris was. Ellis told the witness there was a gentleman in the opposite door, who wanted to speak to him. The witness went into the door where Mr. Faris was standing, and Mr. Faris asked him how he was? Mr. Faris put his hand into his pocket, and gave him five guineas, wrapped them up in a paper, and desired the witness give them to Ellis, and at the same time desired him to swear him to secrecy. Witness asked him where he would get a book? Faris told him from one Gilluse, a servant of Faris's, who was outside the door.—Mr. Faris did not tell him what the five guineas were for, nor mention what the secrecy was, he was to swear him to. The witness brought the five guineas to Ellis, and when he counted them, he would not take them.—He got the book from Gilluse, and had it still in his custody. The witness told

THE CASE OF THE

Ellis, he would bring back the five guineas to Faris, Ellis would not take them, unless he got another, and the witness brought them back to Faris, and told Ellis, he would not take them unless he got another. Ellis desired the witness to tell Ellis, that he would give him another, and that he would help him as he was a poor man: He went with the five guineas to Ellis, and Ellis offered to take them, but refused to swear, and the witness would not give them to him.—He then went back with the five guineas, but Mr. Faris was gone. Ellis then brought them out to the street, and there met his brother, Arthur Ellis, who set upon the witness to give the money, but he would not; the two brothers then brought him to a private place; Arthur proposed to take his oath, that if he would give him the money, he would return it, if his brother did not vote for Mr. Stewart; that proposal was made in the presence of William, and Arthur took the oath he proposed, and the witness gave him the money. William was present when he gave him the money, and heard him take the oath. William Ellis polled for Mr. Maxwell, and Mr. Stewart, and Arthur, after he had polled, asked the witness, if he should give Mr. William the money; and the witness told him “he had no further say to it, he might do with it as he pleased.” He did not
know

know whether he gave the money to William, or not, he never saw more of it. The witness's son, at the time of the election, lived in Cavan, and had the care of an house; he did not know whether it was Mr. Montgomery's, or Mr. Stewart's.

He was cross examined.

He never asked Lord Farnham for an employment for his son.—Mr. Faris told the witness, he would make his request good. Arthur Ellis voted for Mr. Maxwell alone,—he was an active friend for Mr. Maxwell, as he believed. Mr. Faris did not tell him what he was to swear Ellis to, nor could he tell what it was he was to swear to. Mr. Faris was a gentleman of property, and a grand juror of the county of Cavan, and associated with the gentlemen of it; he was not an agent to any person to the witness's knowledge. Mr. Ellis never desired him to give Arthur Ellis five guineas, he gave it to Arthur Ellis, by the direction of William. The witness was in the interest of Mr. Maxwell, he paid his rent to Capt. Elliot, Lord Farnham's agent; the turf-bog was as Lord Farnham directed it. He did declare that he was in danger or hazard of losing his turf-bog, if he refused coming to swear and give his

THE CASE OF THE

his testimony; there was no one to his knowledge present at the conversation between Mr. Faris and him in Cavan, at the time he gave him the five guineas, only Ellis, who was about 4 yards from them. The witness never had any conversation or connection with Mr. Stewart, but at his own house, and never saw him there, but the one time,—he was positive he saw Mr. Faris in Cavan the last day but one of the election, and thought that was the day he gave him the five guineas. He had no conversation with Mr. Faris, or Mr. Stewart, since the election, he never applied for the performance of his request; he considered Mr. Faris as a friend to Mr. Stewart, not an agent.

William Ellis was produced.—He knew John Faris, the witness, was a free-holder of the county of Cavan, and was at the election. He saw Mr. Faris there, and had a conversation with him. The witness was going to the session house, and Mr. Faris espied him, and asked him did he poll yet? The witness said he did not. Mr. Faris asked him did he mean to do any thing for him? The witness replied, "he did, if he (Mr. Faris, would do any thing for him." Mr. Faris then desired the witness to send his man Gilluse to him, which he (the witness) immediately did. Shortly after, Gilluse came to the witness, and told

COUNTY OF CAVAN.

123

told him he had money in his pocket for him, if he would swear to secrecy on a book; he told him he had in his pocket, but did not produce the book; the secrecy was in regard to giving Mr. Stewart. The witness said he would not swear, but would get another to receive the money for him; Gilluse seemed to be content. The witness instantly met James Biggers, and brought him to Mr. Faris, he was backward in an house, they went to him through the house. The witness went into one apartment, and Biggers went into another opposite to him, where Mr. Faris was; the door was open, and the witness put the door to; the breadth of the passage or yard was about four yards; there was a piece of a board out of the door, through which the witness could perceive what passed between Faris and Biggers. He saw Faris give something in a paper to Biggers, and Biggers came out directly to the witness, with the paper and a book. The witness asked him how much he had there? Biggers said he could not tell. The witness looked into the paper, and saw but five guineas, which he would not take, but bid him go back to Faris, and bid Faris to send the witness another guinea. Biggers went back, and the witness heard Faris say, he would give him another guinea. The door was open, they were standing in the door. The witness was standing at the door, but drew back on

THE CASE OF THE

on the evening. Biggers came back and said he would not give him the money, if he would not vote. The witness then brought him into the room and then to an house, called the Bishop, where he had a dram, and then came out and met the witness's brother, Arthur Ellis. The witness then desired Biggers to give the money to his brother and swear him to return the money, if the witness would not give a vote to Mr. Stewart. He saw Biggers give the five guineas to Arthur Ellis, and swear him. The witness went quietly and polled for Mr. Maxwell, and Mr. Stewart: his brother and Bigger went with him, and after he had polled, they all came out, and the witness's brother told him, Biggers had desired him to give witness the money, he had earned it, and deserved it. His brother then offered him the money, and he refused it, thinking the money safer with his brother than himself, but he got it from him that day, he never got the sixth guinea. He would not have voted for Mr. Stewart, if he had not got the five guineas, but for Mr. Maxwell alone. He received a message to keep out of the way by Gilluse, but did not see him come immediately from Mr. Paris, nor never was desired by Paris to keep out of the way.

He was cross examined.

He was tenant to Lord Farnham, and had seen him several times since the election, he never informed

formed Lord Farnham of this transaction before he polled; his brother informed others before he polled, as he believes. The witness had no right to his turf bog, but Lord Farnham's pleasure, but had meed turf on his farm. Gilluse came to the witness, told him Mr. Faris had land to set. The witness did not recollect that he sent any message by Biggers to Mr. Faris, relative to his vote, previous to the transaction in the yard, he did not believe he did, but could not swear positively. He had no intention of taking money for his vote till he was offered it there, and never sent any message to that effect. He never declared he was to get a receipt for half a year's rent from Captain Elliott, for giving his testimony before the committee, nor did he ever hear his wife say so. He did not see Mr. Stewart with Mr. Faris in the house, or in the yard, he might have been there, but did not believe he was. He meant by the Bishop an open house, kept by the Bishop of Meath, as people told him. He did not pay for the glass of liquor he got at the Bishop. He knew Mr. Thomas Berry, but was not tenant to him; he never told Berry he would vote for Mr. Montgomery. The witness lived near Killy-Shandra; he believes Mr. Faris a very respectable gentleman in the county, and of strict honour and truth. Mr. Stewart had a large
D majority

majority the day he polled. Biggers told him when he brought him the money and the book, that it was to vote for Mr. Stewart, and that he was to swear to keep secret, and not to mention the bribe. The witness told his brother, and he believed he told it to Captain Elliott. His brother desired him to take the money and vote for Mr. Stewart,—he believed his reason for desiring him to do so, was to find out the treatment that was going on, that was to say, the giving of money by Mr. Stewart and his friends.

Arthur Ellis was produced.—He was a freeholder of the county of Cavan. He voted for Mr. Maxwell,—he was applied to by Mr. Faris, previous to the election, at the fair of Armagh, to vote for Mr. Stewart. Mr. Faris told him, if he would vote for Mr. Stewart, he would be a friend to him: he afterwards in Cavan, at the time of the election, applied to the witness to send his father home, and not let him vote at that election, and he would give the witness three guineas. The witness told him he would not take it. Owen Gilluse came and offered the witness four guineas, afterwards on the same day, which he refused. He knew James Biggers, and William Ellis, was present at a transaction between them at the election. Biggers was giving him

him five guineas to vote for Mr. Stewart, if he would swear to serve Mr. Stewart, they agreed to give the money to the witness, who was to return it to Biggers, if Mr. Elliott did not vote for Mr. Stewart. The money was accordingly lodged, and the witness after he saw him vote for Mr. Stewart, gave the money to William Ellis, by the direction of Biggers. He saw Mr. Faris at the election,—he called the witness and asked him what he meant to do? The witness said, he did not know.

He was cross examined.

He was told there was money to be got. The first knowledge he had of his brother's getting five guineas from James Biggers, was his meeting them. His brother told him before, he was to get five guineas for voting for Mr. Stewart; the witness desired him to take it, and vote for Mr. Stewart, and he did so, for the purpose of serving Mr. Maxwell. The witness acquainted Captain Elliott of the transaction, and he desired the witness to tell his brother to take money. The witness was not sworn to secrecy, but to give the money to William, if he voted for Mr. Stewart. The witness told William, that Captain Elliott had desired him to take the money and vote for Mr. Stewart. The wit-

ness had no view of getting any place or employment for himself, but he did expect to get the green linen seals through the interest of the gentlemen of the county, and he did expect it through Lord Earnham's interest, but he never expected them through the interest of his vote; he did through the interest of his landlord, Mr. Berry. The way he thought it would serve Mr. Maxwell, for his brother to vote for Mr. Stewart, was, because there was so much money going, that therefore it would be overhauled here, and he did it for the purpose of laying a ground for a petition. He never knew Mr. Faris concerned in any person's business but his own; he thought Mr. Faris a gentleman, who would not act for hire at a contested election, but he saw him very active at the election.

Biggers never told the witness what he was to get for his vote; Biggers in his presence told his brother that he must swear to secrecy, and not to discover his having got the bribe to poll for Mr. Stewart. (Biggers was the witness's cousin german.) The witness, when he was offered the three guineas to send his father home, said he would not take less than ten; he did not mention the ten to Gilluse.

John

John Lipsey was produced to prove bribery.

Was a free-holder, he voted at the last election of Cavan, for Mr. Maxwell, and Mr. Stewart, was tenant to Mr. Thornton; he did not know to whom Mr. Thornton gave his interest. The witness was applied to by Mr. Faris, some time previous to the election; he told him, if he (the witness) would give Mr. Stewart a vote, he (Mr. Faris) would be a friend to him. The witness said he would be glad to do so, if he were not afraid of Mr. Maxwell and his landlord. Mr. Faris afterwards applied to the witness, on his own land at Drumany. Owen Gilluse came to the witness, and offered him five guineas to give his vote to Mr. Stewart. He said he would not take twenty; this was at the time of the election. William Biggers, son to James Biggers, afterwards applied to the witness.—He saw Biggers in an open house of Mr. Stewart's; Biggers offered him five guineas to give a split voice for Mr. Stewart, and he refused them. Biggers went out, and afterwards returned with six guineas, which the witness took, and voted for Mr. Maxwell and Mr. Stewart. If he had not received the six guineas, he would have voted for Mr. Maxwell alone.

He

THE CASE OF THE

He was cross examined.

He informed no person of the matter, before he received the money.

Robert Ellis was produced to prove bribery.

He was a free-holder. Mr. Berry was his landlord. The witness voted for Mr. Maxwell, and Mr. Stewart. He knew Mr. John Faris, and Owen Gilluse, who was a servant to Mr. Faris. Gilluse held land under Mr. Faris and was manager for him. The witness was applied to by Mr. Faris, at Carn, in Mr. Faris's house,—he waited on Mr. Faris in consequence of a message he received from his wife. Mr. Faris applied to the witness for one vote for Mr. Stewart, and he would be his friend: he told him he would not: He applied to him afterwards at Cavan: Owen Gilluse and he, brought him into a small entry. Mr. Faris said nothing, but Owen Gilluse told the witness he would give him five guineas to vote for Mr. Stewart,—Faris was not present, he left Gilluse and witness in the entry; the witness refused it. Owen Gilluse brought him to James Donaghy's, a public house, where Mr. Stewart's friends were entertained, he shewed him five guineas there, and told him he would give him them to poll for Mr. Stewart;—he saw William Biggers there, he was a manager there. Gilluse pulled out a book, and he and the witness mutually swore not to mention any thing of what passed.

passed till the candidates should be chaired, and the election over. The witness did not then take the money;—Biggers told the witness he would give him five guineas to poll for Mr. Stewart; the witness did so, and then Biggers gave him the five guineas, and swore him not to divulge it till he (the witness) should leave Cavan.—The witness voted the last day of the election; took a hearty glass, and left town. There was no person by when he got the money from Biggers; if he had not got the money, he would give one vote to Mr. Montgomery, and the other to Mr. Maxwell.

He was cross examined.

Mr. Faris never offered the witness five guineas.—The reason for putting his dependance on Biggers, and not on Gilluse, was, he was longer acquainted with him; the witness believed the reason of Biggers laying him under the oath not to divulge it, was to prevent its being known.—Biggers laid no farther injunction on the witness, than not to divulge it till he left Cavan:—If Biggers had wished it to be concealed for ever, he would have sworn him to have concealed it for ever, if the witness would have done so for him. He was sure there were open houses on both sides for Mr. Stewart, and for

Mr. Maxwell; he was entertained in both houses; he did not recollect whether he saw any of Mr. Montgomery's free-holders there in those houses. The reason he would not have sworn to keep it a secret for ever was, lest he should get drunk and disclose it to his wife and family.

George Birney was produced to prove undue influence.

He knew John Argue and Thomas Argue, they are his brothers-in law and are freeholders. The witness was a freeholder, voted for Mr. Maxwell and Mr. Montgomery, Mr. Stewart spoke to him for his vote the witness was going to an entertainment at Bally-hays, he met Mr. Stewart on the road. The witness was tenant to Mr. Moor, the witness told Mr. Stewart his brothers-in law were left to themselves to dispose of one vote, but one was to go to Mr. Maxwell, Mr. Stewart then begged the witness to bring them together, and he did so; Mr. Stewart then took them and the witness into a garden, near where the entertainment was, and asked them if they would serve him on the Election. They said they were distressed for a farm of land, and if he would give them one, they would serve him. He said candidates could make no promises of that kind, that he had no land at present out of lease, but had a large quantity which

which depended on an old man's life, and he would never set a foot of land to a Roman, and would be always glad to serve his friends. He spoke to them again, they said they could make no promise at that time, but they would think of it, and then they parted; he saw Mr. Stewart afterwards at the election, Mr. Stewart asked him what his brothers-in-law would do. The witness told him he believed they would serve him if he would serve them. Mr. Stewart said he would serve them in a farm, if they would serve him. When the witness went home, he desired his brothers-in-law to poll for Mr. Stewart, and they did so accordingly. His brothers-in-law gave him a power to act for them, and treat with Mr. Stewart, for fear of the bribery oath, and they would vote for any person he desired them, in consequence of that, he spoke to Mr. Stewart, and desired them to vote for Mr. Stewart, he saw one of his brother's-in-law poll, but did not see the other, they had not got the farm, there was no particular farm mentioned. He saw Thomas poll, and believed it was the last day.

He was cross-examined.

He believed it was the first or second day of the Election he saw Mr. Stewart. His brothers-in-law would be good eligible tenants to any gentleman

gentleman for what they would take; there was no rent stipulated for any farm. He knew Mr. Saunderford; he was in the interest of Mr. Stewart, and he believed he got a great deal of the second interest for Mr. Stewart. There was an ejectment brought against the witness, he employed Mr. Faris; Lord Farnham desired him to go to a gentleman who was not at home and he went to Mr. Faris. The bribery oath was put to him, it was put to him by Mr. Burroughs. The witness was at Farnham before the ejectment was brought. The witness went to take a farm for his brother-in-law and himself. He had informed Mr. Maxwell of the transaction before then; there was no person present when he mentioned the transaction to Mr. Maxwell. The witness was prosecuted at the last assizes, and believed he was defended by Lord Farnham's means; the witness was not served with a summons to come here, Lord Farnham desired him to come up. The prosecution was for a rescue, and was carried on by Mr. Moore, the witness's landlord.

Daniel Montgomery was produced to prove undue influence.

He was a free-holder of the county of Cavan; he did not vote; his landlord was Mr. Wills; he

COUNTY OF CAVAN.

he took a lease from Mr. Stewart, about three or four years ago; he thought in 1779, of a tement and land, he had not it then; his rent was 8l. 8s. 3d. he kept it only three or four days in his possession; he paid Mr. Pat. Smith, Mr. Stewart's agent, three half guineas for his lease, all to half a crown, which went to Mr. Stewart; when a year was expired, he was served with a law subpœna, at the suit of Mr. Stewart; the sum demanded was a year's rent, 8l. 8s. 3d. Mr. Pat. Smith, the receiver, applied to him for the vote previous to the election, by letter. The witness sent a message back, that he would, if Mr. Stewart would send him his three half guineas he had lodged. The witness afterwards saw Mr. Smyth, but mentioned nothing of his having received the letter, this was at the election the day before the books were closed; the poll was not over. Mr. Smyth asked the witness, if he would go and poll? He said he would, as soon as he got a release; he meant a release from the demand of the rent, for which he had been subpœnaed. Mr. Smyth said he need not be concerned for that, for there never should be any more about it. The witness then parted from Mr. Smyth: he afterwards saw Mr. Stewart, on the next day after the poll had began: Mr. Stewart asked him to go and poll, and the

witness said as soon as he got a release from him, he would go and poll. Mr. Stewart then desired him to go in and poll, and it should be all over. The witness said he would, and parted Mr. Stewart on these terms: in some little time after, the witness met Mr. Stewart while the poll was going on; Mr. Stewart asked the witness if he had polled? And the witness said he had, though he had not. Well, said Mr. Stewart, "Come with me, and I'll give you the release." Witness's brother-in-law, Arthur Stewart, was with him, who knew he had not polled, and prevented him from going with Mr. Stewart, and he saw no more of him, till he saw him chaired; his brother-in-law did not mention to Mr. Stewart that he had not polled. First the witness meant to give his interest to Mr. Montgomery and Mr. Maxwell.

He was cross-examined.

He neither gave his vote, nor received anything for voting; he told the transaction to Lord Farnham, there was no application to him in consequence thereof, no person ever applied to him to come to give evidence here, he was summoned. Lord Farnham sent for the witness, and he (the witness) told him the matter, as he told it here: he was at Lord Farnham's since he came

came to Dublin. Lord Barnham desired him to come here, and give his testimony. He was told his landlord meant to support Mr. Montgomery and Mr. Stewart, and believed it. Mr. Stewart had not since he was summoned taken any steps against the witness; his brother-in-law did not hear any thing that passed between Mr. Stewart and him. He was desired by his landlord, Sir Benjamin Chapman, before he went to the election, not to poll before he got the release. *Thomas Montgomery was produced to prove undue influence.*

He was a free-holder of the county Cavan, and voted at the last election for Mr. Stewart and Mr. Montgomery; Mr. Montgomery applied to him half a year before the election, but he did not recollect whether for any person but himself. The witness saw Mr. Stewart at the election, he spoke to him for his vote: the witness spoke to him of the barbarous treatment his son had received, with respect to the bargain he had made about a farm which he had received in a few days, and thrown it up: he told him he need not be uneasy about that affair, for he never intended to insist on giving him any farther trouble. The witness then said, "this very moment I will go and poll for you, with a cheerful

ful heart, that his son should not be banished the country, and he did go and poll." It was in consequence of that declaration that he polled for Mr. Stewart, if he had not made him that promise, he would have voted for Mr. Montgomery and Mr. Maxwell. His son was Daniel Montgomery.

He was cross-examined.

When Mr. Stewart told him he would give his son no trouble, he believed him, and he voted for him from gratitude; he voted the day the poll closed, in the beginning of the day. He heard before he left home, that Mr. Stewart had a considerable majority; he heard Mr. Montgomery wished well to Mr. Stewart: he knew Mr. Stewart of Galbally, he saw him the day he voted: he did not remember he said to Arthur Stewart, he had voted for the father and would for the son. Mr. Wills is his landlord, he had no account from him to whom he gave his interest, and did not know he was in Mr. Stewart's interest: he heard that Mr. Wills left his tenants to themselves, and believed it when he heard it. Sir Benjamin Chapman applied to the witness before the election, for Montgomery, and Mr. Maxwell, by letter. The witness was at Lord Farnham's house since he came to town, he

he did not know how the conversation between Mr. Stewart and he took wing.

George Thompson was produced to prove bribery.

He was a free-holder of the county of Cavan, he did not vote; he knows Patrick Smyth of Crossdony, but was not in company with any Pat. Smyth at the election. The witness was servant to Mr. Montgomery. He was in company with Thomas Fisher at the last election, he did not recollect any thing particular passing with Fisher the first Saturday of the election. He never saw Pat. Smyth or Thomas Fisher distribute any money during the election. The witness had no reason to be disobliged with Mr. Maxwell of late, nor never had, they were an honourable family. The witness knows Joseph Bellison, he never saw him distribute any money on the late election, the witness was in Pat. Brady's the sign of the Coach, at Cavan, at the last election, and drank there. He knew Lord Farnham, the witness was summoned by Mr. Maxwell, but could not say he was offered any thing for giving his testimony. He bought a mare from Mr. Ned Ellis. Mr. Ellis was a very active person in the interest of Mr. Maxwell. The witness believed the mare was Mr. Ellis's, the witness got her at his own house, he gave a
note

COUNTY OF CAVAN.

note for the mare, but the note was to be given up to him; in case he proved bribery against Mr. Montgomery, and Mr. Stewart; the note was for four Guineas. The witness knew Captain Elliot; he hears Captain Elliot was known agent to Lord Farnham. He never knew Captain Elliot to be active in procuring votes for Mr. Maxwell, Captain Elliot was present when Mr. Ellis told the witness he should not want a mare, but was not present at the agreement, and believes Captain Elliot knew nothing of it. The witness knew the late Lord Farnham, he had done mill-work for him. He made a claim on the present Lord Farnham for money, which he refused to pay before the election, he was promised it after; there was no condition annexed to the promise. The witness promised he would prove bribery when he made the agreement with Mr. Ellis. The reason he did not vote, was, his landlord had no occasion for it.

John Roberts was produced to prove agency with Mr. Faris.

He was at the last election at Cavan, knew Mr. John Faris; he saw him at the election: Mr. Faris was a gentleman of property. The witness saw him active on the part of Mr. Stewart, and Mr. Montgomery, at the election. The witness saw Mr. Faris walk with
the

COUNTY OF CAVAN.

the freeholders going to be polled in the deputy's court: those freeholders voted for Mr. Stewart, and Mr. Montgomery. The witness was employed on the election for Mr. Maxwell. He did not see Mr. Faris apply to any freeholders to come and poll; he never heard him speak to any, to come and poll. The witness was bringing up a poll, a tally, and Mr. Faris came up, and spoke to one of them; when the witness said that was improper; and Mr. Faris replied, he only wanted to speak to him, he was a very honest fellow. Mr. Faris came up to the bar with the freeholders, when they came to vote more than once, and on different days; Mr. Faris always with the voters, who polled for Mr. Stewart and Mr. Montgomery.

He was cross examined.

The witness had served his time to an attorney, he believed Mr. Faris was a magistrate, and a grand juror, and a man of property in the county of Cavan: he did know whether he was a magistrate. The witness was employed on the election, and had not been paid yet: he believed it was very usual for gentlemen, where there was an independent interest, to exert themselves. He knew Mr. Francis Saunderson; and believed he was a very steadfast friend of

F

Mr.

THE CASE OF THE

Mr. Stewart's: there were many gentlemen of rank and property soliciting votes for Mr. Stewart; the witness did not recollect seeing any of them bring up any poll. He did not believe Mr. Faris was to have received any compensation or pay, for his trouble as an agent.

Hector Graham Esq; to prove agency in Mr. Faris.

Was at the late election for the county of Cavan; he was not a freeholder; he saw Mr. John Faris there; Mr. Faris was a very large handsome man, about 30 years of age, as the witness believed: he appeared to the witness during the whole of the election, to be a very active agent against the petitioner, and for the sitting member: The witness attended the election the whole time, Mr. Faris was active throughout the whole, bringing up people to poll, and making way for them: he never saw any man act in the manner Mr. Faris did, who was not an agent; he considered Mr. Faris the most active person of any concerned.

He was cross-examined.

He knew a great many of the gentlemen, and saw them all extremely active on the part of the sitting member: he did not think the gentlemen on the part of Mr. Maxwell, were as active, as the gentlemen on the part of Mr.

Stewart.

COUNTY OF CAVAN: 43

Stewart. He knew Mr. Maxwell Close, he was considered as a gentleman of property in his own country: the witness did not believe Mr. Maxwell Close would be concerned for a candidate at an election, as an agent for him; pending the election, he knew Mr. Close was very active, and believed he was so previous to it: he considered Mr. Faris vastly inferior to Mr. Close, in property, and in his line of life; he did not know Mr. Faris to be a magistrate and grand juror, but believed him to be so; he looked upon Mr. Faris to be a gentleman, and believed he was not hired upon the last election. The witness knew Mr. Blackwood, the Mr. Saundersons and Mr. Moore of Tullavin, they were all very active, but he distinguished Mr. Faris from them, he however believed they all interfered with the inferior freeholders.

The witness would have considered Mr. Close, (if acting in the same manner, as Mr. Faris did) to be an agent; he would have considered Mr. Blackwood, Mr. Moore, and the Mr. Saundersons the same, in the like circumstances: he did not recollect to have seen any gentleman, but Mr. Faris, bring up the common freeholders on the part of Mr. Stewart: the witness could not take upon him to say, for whom the freeholders brought up by Mr. Faris, voted.

Mr. George Reilly was offered to be produced, to prove agency, but it appearing to the committee, that he had attended during the examination of the other witnesses to that point, contrary to the general rule of the committee, they refused to let him be produced.

Peter Magrath was produced to prove.

He was at the late election of Cavan: he was not a freeholder. He was applied to, to vote, by Samuel and John Fisher, though he had no vote: Samuel spoke to him several times before the election, to go to the election, and do something for his children, while the money was stirring: the witness asked him what kind of oaths were to be taken? Fisher told him, some of Mr. Stewart's interest would give him a lease of three lives, of a town land, or some acres: the lives would be three chickens, and when they would come home, they would roast them, and make a feast. The Sunday before the election, Samuel Fisher and Owen Muldoon came to the witness's house; Muldoon shewed his recantation, and said they could not say, but he had a freehold. They went to Brady's, in Cavan, the sign of the Cock. He saw John M'Kenna poll for Mr. Stewart and Mr. Montgomery: and Henry Williams polled the same day;

day; he believed it was the first Tuesday. The witness asked Charles Fisher, whether they were to get 15l. 10s. or 5 guineas a man? Fisher said he would engage 5 guineas to every man, who would poll for Mr. Stewart. Richard M'Donnell then polled for Mr. Stewart; the witness believed it was Thursday; he polled by the name of Donaldson. Thursday or Friday, John M'Kenna polled again, in the other court, by the name of John Burke, for Mr. Stewart, and Mr. Montgomery; Owen Muldoon polled the same day, by the name of Owen Downy.

He was cross examined.

He came up from the county of Meath; he was in town since this day month; he was summoned the 30th of January.

Richard M'Donnell, Owen Muldoon, and John Ferguson, were called to give evidence, but did not attend: Here the petitioner closed his case; as to bribery, and agency, unless William Biggers and John Ferguson, jun. should attend, in which case, the petitioner was to be at liberty to go at large into entertainment, before the sitting members went into his case.

Michael

Michael Berry was produced to prove entertainment.

He lived in Cavan, was an inn-keeper, and was so at the election. There were a good number of freeholders entertained at his house, during the election; they polled for Mr. Stewart; their landlords paid for their entertainment, or promised to pay for it. Mr. John Madden, after the assizes, gave the witness 200 guineas, and promised to pay him the whole of his bill, for all the freeholders, who were entertained at the election. Mr. Madden had no estate in the county of Cavan: Mr. Stewart was married to Mr. Madden's daughter. The witness was not applied to by any person, to furnish the terms on which he would entertain the freeholders; some bills were furnished during the election, and paid at the same time: he wanted no money on account from any person, after the election, till he received it from Mr. Madden: he laid in wines, &c. previous to the election, and opened an ordinary for the gentlemen at the election. He did not know Thomas Fisher: he could not exactly tell the amount of his bill, it might be about 500*l.* in all.

He was cross-examined.

During the election, he was attending the business of his house; many of the freeholders might

COUNTY OF CAVAN.

47

might have voted for Mr. Maxwell; there were directions given him by the gentlemen of property, in the county, to open an ordinary for the freeholders, and charge the amount of expence of every gentleman's tenantry, to himself, and he entered them on his book; but Mr. Madden would not suffer it, and took it upon himself: Mr. Stewart never promised to pay him the expence of the entertainment of any freeholders during the election, nor any person for him. The gentlemen who dined at his house, called for bills, and some paid, and some did not; but such as did not pay, desired him to enter it in his book to their account, and he did so: he looks upon the gentlemen whose freeholders were entertained in his house, to be his security for their bills, and not Mr. Stewart. Mr. Madden is a gentleman of fortune, and could pay 1000l. out of his own pocket.

John Brady was produced to prove entertainment.

He lived in Cavan, was a publican these 28 years; there were a few freeholders entertained at his house during the last election. He knew Pat. Smyth, he was agent and receiver to Mr. Stewart; Mr. Smyth, previous to the election, engaged some beds for Mr. Stewart's friends; in consequence of this engagement, he sent several persons to the witness; he could not recollect the names

THE CASE OF THE

names of them, he saw none of them vote: Smyth was to give the witness 20 guineas for 12 beds during the election; Smyth sent several persons to the witness, some of them eat and drank with him; he agreed to pay for his tenantry, of. 1s. 1d. per plate, for such as would dine with him. The witness never since applied to Mr. Smyth for payment; he did not know the amount of his bill; he did not know it to be 100l. there was little or no entertainment in his house. He knew Charles Fisher, but did not know him before the election; Fisher set down his accounts, and the witness believed it was Mr. Smyth sent Fisher to him.

He was cross-examined.

Mr. Smyth told him, that the landlords whose tenantry he would entertain, would pay for them; Mr. Smyth said he would pay for none, only his own tenantry and Mr. Stewart's; Mr. Moore was to pay for his tenants. The reason he had not applied for his bill, was, he had not made it up; Mr. Smyth told him he would not get it, till the gentlemen would consult, and settle how they were to pay it.

James Donahoe was produced to prove entertainment.

He knew Pat. Smyth; the witness lived in Cavan, and kept a publick house: some time previous

COUNTY OF CAVANT

vious to the election, Pat^r Smyth sent for him, and asked him could he let him have some beds for freeholders, at the election? The witness told him he could let him have eight. They were occupied every night during the election, by freeholders, some Mr. Stewart's, some Mr. Pratt's, some Lord Bellamont's, and several others. Mr. Smyth also agreed for dinner, breakfast, hay, and oats. 1s. 6d. for dinner, 6d. breakfast, 6d. for grass, and 1s. 6d. for oats. Mr. Smyth mentioned the tenantry of several gentlemen of the county Cavan, he was to receive no free-holders, but such as were pointed out to him, by persons left there. Mr. Smyth left no person to point out the freeholders, nor never came to his house at the election. As to a conversation with Mr. Smyth, at Baillyborough house, he said, Mr. Smyth told him he would pay him for Mr. Stewart's and his own tenantry, and the different gentlemen would pay for their own; in consequence of this agreement, he gave entertainment to different freeholders. He received from Mr. Madden, 100l. on account of the election bill: he received 30 guineas from Mr. Smyth, for 8 beds; Mr. Madden told him he would pay him the remainder of the bill; the whole was about 225l. The freeholders who frequented the house, paid nothing: the witness was ordered to charge the different accounts, to the different landlords, but he found in the hurry, he could not do it, but he entered every man's

THE CASE OF THE

man's name, and what he got. Mr. Lucas, William Biggers, and William Johnston were appointed, to point out the freeholders, and one Gibson. Sometimes Lucas settled the bills, and signed the book. Lord Glerawley's agent slept at his house during the election; Mr. Pratt was frequently at his house. The 30 guineas Mr. Smyth gave him was for beds, independent of the 25s. Mr. Madden had not paid him the remainder of his bill, he had not applied for it, and his reason was, it was rumoured over the town, that no bills would be paid, till the contest was over.

He was cross-examined.

He kept a public house, at a former contest of election, and it was always usual for persons to be fixed, to prevent improper persons from coming in; he did not know who fixed Mr. Lucas there, unless Mr. Biggers did it. Captain Elliott applied to him about his house; he told him Mr. Graham, from Dublin, would send a person to take his house, for his tenantry. Mr. Pratt's tenantry were entertained at his house: he believed they voted for Mr. Maxwell, and Mr. Stewart, split votes. He understood he was to be paid by the landlords: Lucas signed the books for all, and was to make the distinction between the tenantry.

Here the petitioner closed his case, to the three general points of bribery, agency, and entertainment; but council on the part of the petitioner,

applied

COUNTY OF CAVAN.

50
applied to be at liberty to examine William Biggers, if at a future day he could be found.

The committee thereupon

RESOLVED unanimously, that the evidence produced by the petitioner, in respect to the points of bribery, agency, and entertainment, is not sufficient to set aside the election and return of the sitting member, Mr. Stewart.

The petitioner went next to the disqualification of votes, and the first objected to, was, Thomas Sheppard, who appeared to have been entered, No. 146, in the sheriff's book, which was read, and the following note annexed to his name: "First offered to poll for Mr. Maxwell, and appeared to have polled for Mr. Montgomery, and Mr. Stewart."

Christopher Bredin was produced to that fact.

He took the poll for Mr. Maxwell, at the last election. An objection was made to this vote being inquired into, it not appearing on the list furnished by the petitioner, with the objections, which were read, and the votes of the house of the sixth November, 1783, being also read as follows:

"RESOLVED, that in all controverted elections, for counties, cities, or boroughs in this kingdom, to be heard after Tuesday next, the petitioners do by themselves, or by their agents

THE CASE OF THE

within a convenient time to be appointed by the house, deliver to the sitting members, or their agents, lists of the persons intended by the petitioners to be objected to, who voted for the sitting members, giving in the said lists, the several heads of objections, and distinguishing the same against the names of the voters objected to; and that the sitting members do by themselves, or their agents, within four days after said time, deliver the like lists on their part to the petitioners, or their agents."

This objection was thereupon waved on the part of the petitioner.

Charles Wilson was next proposed to be disqualified by Mr. Maxwell, it appeared entered, No. 126: the voter, after his name had been taken down for Mr. Stewart, and Mr. Montgomery, mentioned the name of Mr. Maxwell.

Christopher Bredin was produced to prove that fact.

He took the poll for Mr. Maxwell, he proved his book; the voter said, first he polled for Mr. Montgomery, and Mr. Stewart; but afterwards on recollection, said he polled for Mr. Montgomery, and Mr. Maxwell; but he was taken down for Montgomery and Stewart; he insisted on his intention to vote for Mr. Montgomery, and Mr. Maxwell, before he left the table. Mr. Maxwell's council, objected to that method of taking the poll.

He was cross-examined.

There were several mistakes of this kind; he believed the sheriff ruled the same point against Mr. Stewart, in the same manner. The sheriff said he would make no alteration or rasures in the book, for the mistakes of any voter, and gave the candidates notice of it, that they might correct themselves, before the entry was made, and not after. He believed the sheriff kept a private book of his own, and at particular times compared the numbers with the clerks. He thought there was no objection made by any party, when the sheriff made the general bill, all parties seemed satisfied. Wilson came upon Mr. Stewart's tally, but from all the circumstances, he believed Wilson intended to vote for Mr. Montgomery, and Mr. Maxwell; he then knew him to be Lord Gosford's tenant, but before he knew that he would not have given the same answer: he thought the sheriff in general, gave a reasonable time to the voters to poll, and in this instance, as in others: the voter recollected the mistake himself.

Robert Mayne was produced for the sitting member.

He took the poll for Mr. Stewart, (his book was exhibited) he recollected Charles Wilson's voting, he was on Mr. Stewart's tally, the first of his five; he voted for Mr. Stewart, and Mr. Montgomery; the sheriff asked him how he voted? He answered quietly, Mr. Stewart, Mr. Montgomery;

Montgomery; he mentioned Mr. Stewart first; his vote was taken down by the witness before he mentioned any thing, as he was going off the table, he mentioned the name of Maxwell; there was a great shout among Mr. Maxwell's friends, and they wanted to bring him back. The witness did not recollect he said he would vote for Mr. Maxwell, did not hear him say he made a mistake at all: the sheriff said he would not alter his book, he would give the like measure to Mr. Maxwell, if such a thing happened: he did rule the same point against Mr. Stewart.

He was cross-examined.

Wilson mentioned the name of Maxwell before he left the table; the witness did not recollect that he said he intended to vote for Mr. Maxwell, or mentioned his name more than once; it was possible he might have said he intended to vote for Mr. Maxwell. It was after he made the determination, the sheriff made the rule for the like measure, and upon that occasion. When the voter mentioned the name of Maxwell, he did not seem anxious to correct himself, or change his vote; the witness did not hear him tender his vote for Mr. Maxwell; the voter did not address himself to the sheriff, to his recollection; the witness sat immediately under the sheriff, and thought he could not have done it, without his (the witness) hearing him, and the witness did not hear him.

Richard

Richard Adams, Esq; the Sheriff, was called on by the committee.

He kept a private book, and recollected a man being brought back, when he was going off the table; but could not take upon him to say, he tendered his vote for Mr. Maxwell, from seeing the entry in the clerk's book; he did not recollect it, whether he did, or did not; he certainly had the entry made in his book before the man mentioned the name of Mr. Maxwell; if he had corrected himself, and wished to vote for Mr. Maxwell, if he had not polled, the witness certainly would have allowed him to correct himself.

Samuel Adams, the Sheriff's clerk, viewed the book kept by himself; the entry of Charles Wilfon, was his hand-writing; he was positive he had entered his vote for Montgomery, and Mr. Stewart, before he mentioned the name of Mr. Maxwell, but could not positively swear he did not tender his vote for Mr. Maxwell, but thought if he had, he would have entered it in the objection; he thought the Sheriff's rule arose from that question.

By the committee's order, Mr Bredin was further examined.

His recollection principally arose from his entry; he cannot positively say, the Sheriff had not taken Wilfon's name down, for Mr. Montgomery, and Mr. Stewart, before he recollected himself; to the best of his knowledge, he did not

THE CASE OF THE, &c.

not offer his vote to the Sheriff. He did not collect that any person on his behalf, tendered Willson's vote for Mr. Maxwell; he thought some of the council for Mr. Maxwell mentioned it to the Sheriff, but would not say positively in what manner, he took down the objections stated times by the direction of council, as well as from the voters own words; he could not say whether council interfered in this instance, or not.

The committee resolved unanimously, that the vote of Charles Willson, as allowed by the Sheriff, be confirmed, No. 640; George Dormer; The next persons objected to, were for Montgomery, and Stewart; and none, Mr. 871; Gerald Planters, rejected; John Pickin, registered, No. 3064; objected to, for want of residence, and not being duly registered.

The case was then closed, and the committee

RESOLVED unanimously, that Charles Stewart, Esq; was duly elected, a Knight of the Shire, to serve in parliament for the county of Cavan, at the last election for that county.

RESOLVED unanimously, that Charles Stewart, Esq; was duly returned a Knight of the Shire, to serve in parliament for the county of Cavan, at the last election for that county.

And the said determinations were ordered to be entered in the journals of the house.